

It is agreed that J. G. Seitz, a non-resident, voted for Brooke, and it is claimed that Sam Williams and Geo. Bowling, non-residents, voted for Widdicombe.

In the case of Bowling, this Report will only refer to his own proof, (page 106 printed testimony,) upon the question of residence. As to Sam Williams, it is not shown anywhere by legal proof for whom he voted, or if he voted at all. The only witness who speaks as to how S. Williams voted, is Jas. H. Ritchie, (page 38 printed testimony,) you will perceive that this witness was not entitled under the law to testify, and therefore his testimony cannot be noticed by this Committee or Legislature, (page 37 printed testimony, bottom of the page.)

Mr. Ritchie was objected to as a witness, because his name did not appear on the list of witnesses in the notice served on Mr. Widdicombe, as required by section 59, Article 35, Code of Public General Laws. It will be seen that Mr. Ritchie proves this fact beyond all question in his cross-examination, (page 38, answer to question 1st, 2nd, 3d, in cross-examination.)

It will be seen that the name of James H. Ritchie appears in the notice filed as Exhibit B, page 5. It will be noticed that on page 6, printed testimony, the Sheriff gives a certificate that a copy of the notice was served on Widdicombe, by leaving the same at his house, and going to Washington and telling him of it.

Now the copy spoken of on pages 4-6, was the copy left by Ritchie whilst acting as Deputy Sheriff, (page 38, Ritchie's testimony.)

Under this state of the case, Mr. Ritchie's name not being in the list of witnesses in notice served on Widdicombe, he was not a competent witness under section 59, Article 35, Code.

There is therefore no shadow of testimony to prove how S. Williams voted. It cannot therefore be considered that his vote can rightfully be deducted from Widdicombe—no lawful witness proving that it was ever given to him.

The result of a recount of the votes, making only legal corrections and allowances, would give Brooke, after adding Henry Sprigg and Wash. Johnson, and deducting J. G. Seitz, 2,343, and give to Widdicombe, after deducting Henry Sprigg, Wash. Johnson, Geo. Bowling and Geo. Locker, 2,345. Add to this count for Mr. Widdicombe, the vote of Alex. Gross, Sr., who *himself* swears positively he wanted to vote the Republican ticket, but was prevented by the Democrats.